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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/161,401	09/28/98	SUGIYAMA	862.2471

005514 TM11/1013  
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EXAMINER  
COLBERT, E

ART UNIT	PAPER NUMBER
2172	7

DATE MAILED: 10/13/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

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# Office Action Summary

Application No.  
09/161,401

Applicant(s)  
Sugiyama

Examiner  
Ella Colbert

Group Art Unit  
2172



☒ Responsive to communication(s) filed on Sep 28, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire Three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-31 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-31 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☒ received in Application No. (Series Code/Serial Number) 09/161,401.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "not to be settable" in line 11, page 30. Claims 2, 7, 12, 13, 18, 23, 24, 26, 27, 29, and 30 have a similar problem. The suggested claim limitation would be better recited as "not to be set." There is insufficient antecedent basis for this limitation in the claim.

Claim 4, recites the limitation "contents thereof" in line 2, page 31. The limitation would be better recited as "contents." Claim 15 has a similar problem. Correction requested.

Claim 5, recites the limitation "in the predetermined format, recovering the attribute information ... contents thereof indicated by the information" in lines 6-9, page 31 is unclear to the Examiner. Clarification and correction are requested.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodhill et al (US 5,649,196), hereafter Woodhill.

With respect to claims 1, 12, 23, and 26, first copying means for copying data selected from a first database to a second database (**column 2, lines 3-19**), ... determining if the attribute items of attribute information appended to the data can be set into the second database (**column 3, lines 64-67 and column 4, lines 1-11 and lines 48-61**), and ... copying information of an attribute item determined by the determination means not to be set in a second database to a predetermined attribute item of the second database (**column 2, lines 20-38 and column 9, lines 48-61**). Woodhill did not explicitly teach a predetermined attribute item, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a predetermined attribute item because the data may represent regular data, attribute data, or a control list of data in a database.

With respect to claims 7, 8, 18, 19, 24, 25, 27, and 28, first copying means for copying data selected from a first database to a second database (**column 2, lines 3-19**), ... determining if the attribute items of attribute information appended to the data can be set into the second database (**column 3, lines 64-67 and column 4, lines 1-11 and lines 48-61**) and ... copying information of an attribute item determined by the determination means not to be set in a second database to a predetermined attribute item of the second database (**column 2, lines 20-38 and column 9, lines 48-61**). Woodhill does not explicitly teach holding conversion information or a backup database, but it would have been obvious to one having ordinary skill in the art at the time

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the invention was made to have conversion information and a backup database to perform the first step of copying data because the information is converted from the first database to the second database and each first database or primary database has a corresponding mirror database for backup or archiving and recovering information when a computer system failure occurs.

With respect to claims 29-31, Woodhill did not teach a control program comprising a code for performing the steps of claims 1, 7, and 8 as recited in claims 29-31, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a control program comprising a code because the central processing unit (CPU) performs the functions of reading and executing the program codes and a storage medium such as a CD ROM, a hard disk, a floppy disk, optical disk, and magnetic tape provides the program codes

With respect to claims 2, 9, 13, and 21, ... copying information of an attribute item determined by a determination means to be set in a second database to a corresponding attribute item in the second database and copying attribute information of the attribute not to be set in the second database to a predetermined attribute item of the second database (**column 1, lines 27-45**).

With respect to claims 3, 10, and 14, ... copying the information of the attribute item that cannot be set in the second database to the predetermined item in a predetermined format indicating information of a mismatching attribute item (**column 4, lines 12-44**). Woodhill did not explicitly teach a mismatching attribute item, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a mismatching attribute item

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because it is well known in the art when copying information of an attribute from a first database to a second database if the databases contain different information the attributes will not match. For example, if one database contains US patents and the other database contains Japanese patents, the patent numbers and the dates (attribute items) will not correspond (mismatched) when copied from the US patents database to the Japanese patents database.

With respect to claims 4 and 15, the predetermined format indicates an attribute item name and contents (**column 3, lines 52-63**).

With respect to claim 5, ... the second copying means detects attribute information stored in the predetermined attribute item in a predetermined format recovering the attribute information on the basis of the attribute item name and contents indicated by the information (**column 9, lines 36-67 and column 10, lines 1-12**).

With respect to claims 6, 11, 17, and 22, Woodhill did not teach ... holding conversion information indicating a correspondence between attribute items of the first and second databases and the determination means determines based on the conversion information if the attribute items of the attribute information appended to the data can be set in the second database, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a holding means for holding conversion information because the information is converted from the first database to the second database during the recovery step and the attribute items are matched when they are copied to the second database. The attribute information and size of the database record is considered during the holding step of the conversion information.

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With respect to claim 16, recovering the attribute information based on the attribute of the item name and contents indicated by the attribute information when the attribute information is stored in the predetermined attribute item in a predetermined format is detected in the second copying step (**column 10, lines 21-44**).

With respect to claim 20, the copying step includes the step of copying the attribute item and the attribute information to a predetermined attribute item in the second database (**column 9, lines 36-44 and column 14, lines 53-65**).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Salkewicz et al (US 5,970,502) taught a first database and a second database and copying records from one database to another database.

Schwartz et al (US 5,047,918) taught attributes and data files.

Ogawa et al (US 5,608,874) taught data formats and the destination of data files.

Shimada et al (US 5,210,868) taught matching between databases and the attribute database not matching.

Lin et al (US 5,842,222) taught a primary database and a backup database.

### **INQUIRIES**

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Ella Colbert whose telephone number is (703) 308-7064. The Examiner can normally be reached **Monday through Thursday from 6:30 a.m. to 5:00 p.m. EST.**

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kim Vu, can be reached on (703)305-4393.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703)308-9051, (for formal communications intended for entry).

**Or:**

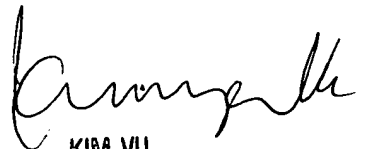
(703)308-5403 (for informal or draft communications, please label

**"PROPOSED" or "DRAFT").**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Virginia., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703)308-9600.

Colbert  
October 10, 2000

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2700